

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

IN RE:	§	
	§	
GEORGE DARRELL BEST	§	CASE NO. 20-60034-rbk
	§	
Debtor	§	CHAPTER 7

**MOTION BY TRUSTEE, JAMES STUDENSKY, TO SELL PROPERTY  
OF THE ESTATE AT PUBLIC AUCTIONS TO THE HIGHEST BIDDER**

THE HONORABLE JUDGE OF THIS COURT:

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

NOW COMES James Studensky, Chapter 7 Trustee (“Trustee”) of the Bankruptcy Estate of George Darrell Best (“Debtor”) and files this Motion to Sell Property of the Estate at Public Auctions to the Highest Bidder (“Sale Motion”). The Trustee would show the Court the following:

1. On January 13, 2020, Debtor filed a petition under Chapter 7 of the United States Bankruptcy Code. James E. Studensky was appointed as Trustee and continues in that capacity.

2. The property of the Estate to be sold by this Motion consists of all the Estate’s interest in certain non-exempt firearms, a 1925 Model T Firetruck and a 1946 Buffalo Firetruck and any other non-exempt property that is owned by the Estate or that may be recovered by the Estate. **The public auction for the firearms has been scheduled as a part of the Annual Fall**

**Consignment Auction conducted by Bill Hall Auctioneer, Inc. which will be held on Saturday, September 12, 2020, beginning at 10:00 am at the Wildfire Ranch Complex, 14343, South IH 35, Salado, Texas 76571.** The Auctioneer will sell certain both firetrucks in an on-line auction using AuctionTime.com. This online auction will be conducted beginning September 14, 2020. **Details of the auctions, including photographs of the property, preview time, and bidding requirements, will be available on the Auctioneer's website at: [www.billhallauctioneer.com](http://www.billhallauctioneer.com).** All personal property is being sold and transferred by the Estate to the highest bidder in its current "AS IS" condition and "WITH ALL FAULTS" and subject to any terms and conditions provided by the Auctioneer on his website or to prospective bidders prior to auction.

3. An application to employ Bill Hall as auctioneer is pending with the Court. Mr. Hall will advertise and conduct the auctions. The Estate will incur reasonable expenses of the sale, such as advertising expenses, transportation expenses and other miscellaneous expenses. Reasonable expenses of the auction and a 10% auctioneer fee will be deducted from the gross sales proceeds for property sold at auction, and the Trustee requests that these expenses, incurred by the Auctioneer and the Auctioneer's fee of 10% of the gross sales, be allowed as a deduction by the auctioneer with the net proceeds delivered to the Estate. The Trustee requests that the auctioneer be allowed to charge the customary 10% buyer's premium on all personal property sold in the public auctions which will be collected by the Auctioneer and retained by the Auctioneer as compensation.

4. Income tax will be payable on any capital gain but the exact tax consequences to this sale are unknown to the Trustee. In the event that the tax basis of the assets being sold is

exceeded by the sales price, less any administrative expenses, then the Estate will be liable for tax on any gain.

5. The Trustee proposes to allow all interested persons to bid on the property at the auction, except the Trustee, his employees, and professionals who have been hired in this case and the immediate family members of any such persons.

6. To the extent that any ad valorem liens currently exist against the property to be sold, such liens shall attach to the proceeds of the sale of such property unless paid in full, including any interest due, at closing. To the extent that ad valorem taxes are due for years prior to 2020, the Trustee seeks authority to pay such ad valorem taxes from the proceeds of the sale of the above-referenced property immediately after the sale. The Trustee is unaware of any consensual liens against the personal property.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that this Court enter an Order authorizing him to sell the above-described property of the Estate to the highest bidder, according to the terms of sale described herein and authorizing the Trustee to execute the documents necessary to effectuate the sale of the property and providing the Trustee such other and further relief as this Court deems just, and that such Order be entered after twenty-one (21) days, unless an objection is timely filed in accordance with Rule 9014.

Respectfully submitted this 20th day of July, 2020.

/s/ James E. Studensky  
James E. Studensky  
Chapter 7 Trustee  
Texas State Bar No. 19440000  
3912 West Waco Dr.  
Waco, Texas 76710  
254-776-9630 254-296-0190 (fax)  
jstudensky.trustee@outlook.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Application has been forwarded to the parties listed below and other parties-in-interest as set forth on the attached mailing matrix by first class mail, postage pre-paid, on this the 20th day of July, 2020.

**Debtor:**

George Darrell Best  
PO Box 2809  
Glen Rose, Texas 76043

**Attorney for Debtor:**

Erin B. Shank  
1902 Austin Ave.  
Waco, Texas 76701

**U.S. Trustee's Office**

903 San Jacinto Blvd., Suite 230  
Austin, Texas 78701

**Proposed Auctioneer:**

Bill Hall Auctioneers, Inc.  
P.O. Box 339  
Salado, Texas 76571

s/ James E. Studensky  
James E. Studensky

(p)TELECHECK SERVICES INC  
P O BOX 6806  
HAGERSTOWN MD 21741-6806

Alfred Mackenzie  
P.O.Box 2003  
Waco, TX 76703-2003

Andrew Lucas  
P.O.Box 1689  
Glen Rose, TX 76043-1689

BBVA Compass Bank  
702 W Pearl St  
Granbury, TX 76048-2048

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Rd, Ste 100  
Woodbury, MN 55125-1703

Christopher A. Brown  
Cantey Hanger, LLP  
600 W. 6th Street, Suite 300  
Ft. Worth, TX 76102-6898

Equifax  
P.O. Box 740241  
Atlanta, GA 30374-0241

Erin B. Shank  
Erin B. Shank, P.C.  
1902 Austin Avenue  
Waco, TX 76701-1619

Experian  
Profile Maintenance  
P.O. Box 9701  
Allen, TX 75013-9701

George Darrell Best  
P.O.Box 2809  
Glen Rose, TX 76043-2809

Mary H. Barkley  
Cantey Hanger LLP  
600 W 6th St, Suite 300  
Fort Worth, TX 76102-6898

Matt Pfeiffer  
Pfeiffer Law Offices, P.C.  
1725 S. Napierville Ste 205  
Wheaton, IL 60189-5855

Palm Tree Storage  
PO Box 2222  
Glen Rose, TX 76043-2222

Paul Reed Harper  
1502 CR 2018  
Glen Rose, TX 76043-6145

Quintus Hbr, LLC  
5380 Honoiki Road  
Princeville, HI 96722-5109

State of Texas  
c/o Ken Paxton, Attorney General  
P.O. Box 12548  
Austin, TX 78711-2548

Trans Union Corporation  
Attn: Public Records Dept.  
555 West Adams Street  
Chicago, IL 60661-3631

United States Trustee - WA12  
United States Trustee  
903 San Jacinto Blvd, Suite 230  
Austin, TX 78701-2450